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FM AMEMBASSY BISHKEK  
TO RUEHC/SECSTATE WASHDC IMMEDIATE 8438  
INFO RUCNCIS/CIS COLLECTIVE IMMEDIATE  
RUEHBJ/AMEMBASSY BEIJING IMMEDIATE 1781  
RUEHDBU/AMEMBASSY DUSHANBE IMMEDIATE 1307  
RHEFDIA/DIA WASHDC IMMEDIATE  
RUEKJCS/OSD WASHDC IMMEDIATE  
RUEAIIA/CIA WASHDC IMMEDIATE  
RHEHNSC/NSC WASHDC IMMEDIATE  
RUEKJCS/SECDEF WASHDC IMMEDIATE  
RUEKJCS/JOINT STAFF WASHDC IMMEDIATE  
RUEHGV/USMISSION GENEVA IMMEDIATE 0356  
RUEHVEN/USMISSION USOSCE IMMEDIATE 2190  
RUCNDT/USMISSION USUN NEW YORK IMMEDIATE 1578  
RUEHNO/USMISSION USNATO BRUSSELS BE IMMEDIATE  
RUEHBS/USEU BRUSSELS IMMEDIATE  
RUEHLMC/MILLENNIUM CHALLENGE CORP IMMEDIATE  
RUMICEA/USCENTCOM INTEL CEN MACDILL AFB FL IMMEDIATE

C O N F I D E N T I A L SECTION 01 OF 03 BISHKEK 001537

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DEPT FOR SCA/CEN

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TAGS: [PGOV](#) [PREL](#) [KG](#)

SUBJECT: STALLED CONSTITUTIONAL REFORM AT CORE OF KYRGYZ  
POLITICAL DISPUTE

REF: A. BISHKEK 1316

[1](#)B. BISHKEK 747

BISHKEK 00001537 001.2 OF 003

Classified By: Amb. Marie L. Yovanovitch, Reason 1.4 (b) and (d).

[1](#)1. (C) SUMMARY: Stalled constitutional reform is at the center of the bitter dispute between President Bakiyev, the Parliament, civil society, and the political opposition. The constitutional reform process began in April 2005, when the interim government and its supporters agreed that a new constitution was needed to limit the authoritarian powers of the executive branch. President Bakiyev campaigned on a pledge to adopt such a new constitution.

[1](#)2. (C) Since that time there have been numerous drafts proposed, but no clear process established for consideration of the drafts or adoption of a new constitution. For over a year, the opposition has demanded that the government expedite constitutional reform. The President, for his part, has vowed his commitment to carry it out, but with each passing month his pledges have deviated further from his original expressed intentions. Most recently, he has castigated the Parliament for not holding hearings on constitutional reform (hearings are scheduled to start November 1), while simultaneously announcing that he would introduce his own draft on November 20.

[1](#)3. (C) The opposition now has put its demand to the President in the form of an ultimatum: either carry out constitutional reform or resign. The opposition plans to stage a mass protest on November 2 that will continue until the government either meets the opposition's demands for immediate constitutional (and other) reform or steps down. With this planned protest looming, government and opposition leaders have been meeting in extended sessions on October 31 and November 1 to try to reach an acceptable compromise. END SUMMARY.

¶4. (C) Following the ouster of President Akayev in March 2005 during the "Tulip Revolution," there was a general consensus on the need to change the constitution to limit the powers of the president and the executive branch. President Bakiyev campaigned on a promise that he would propose a new constitution that included better checks and balances among the branches of government. A Constitutional Council, which included members from the government, parliament, and civil society, was established in April 2005, and it prepared a draft in June 2005 that strengthened the role of the parliament and envisaged a mixed presidential-parliamentary form of government. Following his election in July 2005, Bakiyev, apparently dissatisfied with the initial draft, increased the size of the Council from 114 to 291 members, adding a number of political supporters to the process.

¶5. (C) In October 2005, the President issued a draft which was so heavily criticized that he withdrew it in December. In January 2006, the President issued a decree stating there would be a referendum in the latter part of the year to determine the form of government (presidential, parliamentary, or mixed). In February 2006, the President established a small constitutional working group headed by opposition MP Azimbek Beknazarov, and in August the working group proposed three drafts for a presidential, parliamentary and mixed form of government.

¶6. (C) In September, the Council of Europe's Venice Commission reviewed the three drafts, and while it found some improvements with respect to human rights and the independence of judiciary, it concluded that none of the three was satisfactory in terms of balance and separation of

BISHKEK 00001537 002.2 OF 003

powers. President Bakiyev, nevertheless, informally forwarded the three drafts to Parliament for consideration. (Note: Technically, the drafts were sent to Parliament through informal channels, from the President's chief of staff to the head of the parliamentary committee, not from the President to the Speaker. End Note.)

¶7. (C) Many in the political opposition and in civil society, however, believe that sending the current unsatisfactory drafts to Parliament was a stalling tactic, as Parliament lacks the authority to change drafts submitted by the President. Bakiyev, they say, did not want to go forward with any process that could end up weakening his authority, and he wanted Parliament to do the "dirty job" of rejecting the product of Beknazarov's working group. Bakiyev, for his part, has on a number of occasions cautioned against "hasty" constitutional reform and even suggested to keep the current constitution with its strong presidential authorities, which he believes suits Kyrgyzstan's present needs. In his view, the parliamentary form of government is unacceptable at this time because political parties are still immature.

¶8. (C) In addition to the drafts produced by the working group and the Constitutional Council, there have been numerous other drafts put forward. Among about a dozen other drafts are proposals by Prime Minister Kulov, Supreme Court Chair Osmonov, MP Baibolov, MP Alisher Sabirov, and the Civic Society against Corruption NGO. Kulov's draft, which envisages a mixed presidential-parliamentary form of government, is based on the current constitution, amended to enhance the powers of the parliament and to delineate clearly the responsibilities of the president and the prime minister. According to the Chair of the Parliamentary Committee on State Structures, Law and Constitution Masaliyev, his committee will review Kulov's draft proposal, as well as the three Beknazarov drafts beginning November 1.

No Clear Procedure or Timetable  
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¶9. (C) While numerous drafts have been produced, there has never been a clear process set out to consider the drafts or adopt a new constitution. In September, Bakiyev laid out the following possible scenario: in September-October, Parliament would review the proposed three drafts; in October-November, the drafts would be discussed by the public; by the end of the year, the public would vote on the form of government by referendum; following the referendum, the draft that received the most support would then be finalized and offered for another referendum. Early in October, MPs Temir Sariyev and Alisher Sabirov expressed concerns about the President's threat to include a question about disbanding Parliament on the referendum ballot paper. And MP Beknazarov said he suspected that the President had a draft "up his sleeve" that he would present by the end of the year.

#### Delay Emboldens Opposition

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¶10. (C) The combination of a desire for power and property, procrastination on reform, and the "matryoshka" scandal (which has left opposition leaders believing the government could take extreme steps against them -- Ref A) has resulted in the opposition's demands becoming more and more radical. Since September, the opposition has been calling for the resignation of the government and formation of a coalition government, which would proceed with prompt constitutional changes. On October 12, civil society leaders and the "For Reforms" opposition movement held a Civic Forum to discuss the current political situation. Government representatives at the Forum, including PM Kulov, called for further dialogue on the most important issues, including constitutional

BISHKEK 00001537 003 OF 003

reform. The opposition, however, rejected such an approach, and demanded that Bakiyev submit the June 2005 draft constitution to the Parliament by October 23, or it would proceed with its mass demonstration on November 2 and continue until the government resigned.

#### President Blames Parliament

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¶11. (C) On October 25 in Jalalabad, the President said that if he could not come to agreement with the Parliament on this issue, he would go directly to the people in a referendum on his own draft. On October 27, Bakiyev announced that Parliament should proceed with hearings on the current drafts, but he would present his own proposal by November 20. In Parliament October 30, after blaming the Parliament for the delay in constitutional reform, Bakiyev said he deliberately prolonged the process so that everyone in the country would be aware of the issue and the details of the debate.

#### Next Days Crucial

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¶11. (C) Public debate over constitutional reform has focused on the apparent form of a new government, whether presidential, parliamentary, or mixed, rather than on the substance of checks and balances and limits on each branch's authority. Bakiyev has made clear that he favors strong executive authority, while others are backing greater authority for the Parliament. Delays in the process have added to the bitterness of the dispute, rather than creating space for constructive debate. With the November 2 protest looming, and urgent talks between the President and the opposition going on, the next few days could be crucial to the substance and direction of the constitutional reform process.

YOVANOVITCH